

TITLE 15

LAND USE, BUILDING, AND CONSTRUCTION

Chapters:

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Chapter 15.04

BUILDING REGULATIONS

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15.04.010 Adoption and application of codes.

A. There is hereby adopted for the purpose of providing minimum standards to safeguard life or limb, health, property and public welfare The International Building Code, 2003 Edition, including Appendix C as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795; the subject matter of which is regulations

governing, the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such structures; and providing for the issuance of permits and collection of fees therefor.

B. There is hereby adopted for the purpose of providing minimum standards to protect persons and property The International Residential Code, 2003 Edition, including Appendices E, G, H, J and K, as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795; the subject matter of which is regulations governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached and two family dwellings and multiple single family dwellings (townhouses) not more than three stories in height with separate means of egress and the issuance of permits and collection of fees therefor.

C. There is hereby adopted for the purpose of providing minimum standards to protect persons and property The International Mechanical Code, 2003 Edition, as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795;; the subject matter of which is regulations governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems and the issuance of permits and collection of fees therefor.

D. There is hereby adopted for the purpose of providing minimum standards to protect persons and property The International Fuel Gas Code, 2003 Edition, as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795; the subject matter of which is regulations governing fuel gas systems and gas-fired appliances and the issuance of permits and collection of fees therefor.

E. There is hereby adopted for the purpose of providing minimum standards to protect persons and property The International Plumbing Code, 2003 Edition, as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795; the subject matter of which is regulations governing the design, construction, quality of

materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems as herein provided; providing for the issuance of permits and collection of fees therefor.

F. There is hereby adopted for the purpose of providing minimum standards to protect persons and property The International Energy Conservation Code, 2003 Edition, as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795; the subject matter of which is regulations governing energy efficient building envelopes and installation of energy efficient mechanical, lighting and power systems and for the issuance of permits and collection of fees therefor.

G. Pursuant to C.R.S. 12-23-104, the electrical code, as amended and enforced by the State of Colorado from time to time shall apply to all electrical work within the City.

H. One copy of each of the above codes is on file in the office of the City Clerk and may be inspected during regular business hours. Additional copies are available for purchase. (Ord. 7, \$1(part), 1986; Ord. 17, \$1(part), 1990; Ord. 5, \$1, 1994; Ord. 21, \$1, 1999; Ord. 31, \$8, 2000; Ord. 13, \$1, 2004)

15.04.020 Administration.

A. The City Manager shall be responsible for the enforcement of this Chapter, and the Codes adopted herein by reference. He may appoint a Building Official or one or more inspectors who shall enforce, interpret and administer the provisions of this Chapter, and the Codes adopted herein by reference. Provided, however, that the state electrical code shall be administered and enforced in accordance with State law by the State Electrical Inspector.

B. The City Manager and State Electrical Inspector and their designated representatives shall have the right of entry to inspect and enforce the provisions of this Chapter, the state electrical code and any of the Codes adopted herein by reference in accordance with the procedures and provisions of Subsection 104.6 of The International Building Code in addition to any other provisions provided by law.

C. Whenever, in any of the Codes adopted or applied in this Chapter, it is provided that anything must be done, subject to the approval or discretion of an inspector or official, this shall be construed to give such official or inspector only the

discretion to determine whether rules or standards established by such Codes have been complied with, and no such provisions shall be construed as giving any official or inspector any arbitrary or discretionary power to require conditions not prescribed by said Codes or to enforce the Codes in an arbitrary or discriminatory manner.

D. Permit and other fees shall be established by City Council Resolution. (Ord. 7, §1(part), 1986; Ord. 17, §1(part), 1990; Ord. 5, §2, 1994; Ord. 21, §2, 1999; Ord. 13, §2, 2004)

15.04.030 Deletions, modifications and exceptions to the Codes adopted by reference or applied.

A. The International Building Code, 2003 Edition, is amended as follows:

1. References to jurisdiction in Section 101.1 and elsewhere mean the City of Delta.
2. The flood insurance study and maps referred to in Section 1612.3 are as adopted by Chapter 15.56 of the Delta City Code.
3. Chapter 27 and Sections 101.4.1, 101.4.5, 103, 104.7, 104.8, 112, 113.1, 113.3 and 113.4 are deleted.
4. Section 105.2 is amended to exempt the following from permit requirements:
 - a. Decks and platforms not more than 30 inches above grade and not over any basement or story below.
 - b. Replacement of sinks, faucets, showers, tubs, water heaters, dishwashers, garbage disposals and lawn sprinkler systems.
 - c. Window replacement not requiring significant structural alterations.
5. The date referenced in Section 3410.2 is January 1, 1984.

B. The International Residential Code is amended as follows:

1. Chapters 33 through 42 and Sections G2447.2, R103, R104.7, R104.8, R112, R113.1, R113.3, and R113.4 are deleted.
2. Section G2445 is amended to read as follows:

"G2445: Unvented fuel burning room heaters are prohibited."

3. Section AH 106.1 is amended to read as follows:

"A patio cover may be supported on a concrete slab on grade without footings, provided the slab is not less than 3½ inches (89 mm) thick and further provided that the columns do not support live and dead loads in excess of 750 pounds (3.34 kN) per column."

4. A new Section M1301.2 is added to read as follows:

"M1301.2: Prohibited Locations. Equipment shall not be located in a hazardous location unless listed and approved for the specific installation. Fuel-burning equipment, electric resistance heating devices or electrostatic air cleaners shall be not installed in a surgical procedure or medical treatment room. Fuel-burning equipment shall not be installed in a closet, bathroom or a room readily usable as a bedroom or in a room compartment or alcove opening directly into any of these.

"EXCEPTIONS: 1. Direct vent equipment and electric heat furnaces.

2. Access to furnaces located in an attic or underfloor crawl space may be through a closet.

3. A vented appliance located in an unconfined space in accordance with the combustion air requirements of Chapter 7.

4. A fireplace may be approved for installation in a bathroom or bedroom if equipped with an approved method of obtaining combustion air from outside.

5. A warm-air furnace in an enclosed space with combustion air obtained from outside the building in conformance with Chapter 7 and having a tightfitting gasketed door with a closer may have access through a bathroom or bedroom.

"Equipment burning liquefied petroleum gas (LPG) or liquid fuel shall not be located in a pit, an underfloor space, below grade or similar location where vapors or fuel might unsafely collect unless an approved method for the safe collection, removal and containment of the vapors or fuel is provided.

"In areas subject to flooding, equipment which would be damaged or create hazardous conditions if subjected to inundation shall not be installed at or

below grade unless suitably protected by elevation or other approved means."

5. Section R105.5 of the IRC is amended to read as follows:

"R105.5 Expiration. Every permit issued by the Building Official under the provisions of this Code shall expire by limitation and become null and void if the work authorized by such permit is not commenced within 120 days from the date of issuance, or if any one scheduled inspection is not completed within 120 days of the previous mandated inspection per the following inspection schedule unless the Building Official determines that because of the size and complexity of the building, additional time will be required:

1. Rebar in footer or monolithic slab.
2. Rebar in basement wall or stem wall.
3. Rough framing (to include roof and wall sheathing)
4. Insulation.
5. Drywall.
6. All final inspections (electrical, plumbing, mechanical, building)

"Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefor shall be one half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work, and provided further that such suspension or abandonment has not exceeded one year. In order to renew action on a permit after expiration, the permittee shall pay a new full permit fee.

"Any permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit when the permittee is unable to commence work within the time required by this Section for good and satisfactory reasons. The Building Official may extend the time for action by the permittee for a period not exceeding 180 days on written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once."

6. Section 105.2 is amended to exempt the following from permit requirements:

a. Decks and platforms not more than 30 inches above grade and not over any basement or story below.

b. Replacement of sinks, faucets, showers, tubs, water heaters, dishwashers, garbage disposals and lawn sprinkler systems.

c. Window replacement not requiring significant structural alterations.

7. Subsection R907.3(3) is amended to read as follows:

"3. Where the existing roof has two or more applications of any type of roof covering; except that, a metal roof system may be applied over a second layer of asphalt or fiberglass shingles when applied in accordance with the manufacturer's recommendations."

8. Add a new Subsection R907.7 to read as follows:

"R907.7 Attic ventilation shall be made to be in compliance with Section 1203.2 of the International Building Code."

9. References to jurisdiction in Section R101.1 and elsewhere mean the City of Delta.

10. Subsection P2603.6.1 is amended to specify "12 inches below finished grade..." and "4 inches below grade..."

11. Subsection P3103.1 is amended to specify "12 inches above the roof..." and "2 inches above anticipated snow..."

C. The International Plumbing Code is amended as follows:

1. Sections 103, 104.4, 104.8, 108.1, 108.2, 108.3, 108.4, 108.5, 108.6, 109, 106.6.2, 106.6.3, and 707.1(6) are deleted.

2. References to "jurisdiction" in Section 101.1 and elsewhere shall mean the City of Delta.

3. Section 305.6.1 is amended to specify "12 inches below finished grade..." and "4 inches below grade..."

4. Section 904.1 is amended to specify "12 above the roof..."

5. Section 106.2 is amended to exempt the following from permit requirements: Replacement of sinks, faucets, showers, tubs, water heaters, dishwashers, garbage disposals and lawn sprinkler systems.

6. Section 708.3.5 is amended to add the following:

"An approved two-way cleanout is allowed when within 18" of finish grade when junction of building drain and building sewer is greater than 18" below finish grade, directional fittings shall be used for building sewer cleanout and for required building drain cleanout. Cleanouts shall extend to 6" above finish grade or an approved cover shall be provided."

7. Notwithstanding anything in The International Plumbing Code to the contrary, the Building Inspector may waive requirements to remove or fill in an abandoned individual sewage disposal system when no safety or health hazard will result from leaving it in place as is.

D. The International Mechanical Code is amended as follows:

1. Sections 103, 104.4, 104.8, 106.5.2, 106.5.3, 108.1, 108.2, 108.3, 108.4, 108.5, 108.6 and 109 are deleted.

2. References to "jurisdiction" in Section 101.1 and elsewhere shall mean the City of Delta.

E. The International Energy Conservation Code is amended as follows:

1. References to "jurisdiction" in Section 101.1 and elsewhere shall mean the City of Delta.

F. The International Fuel Gas Code is amended as follows:

1. References to "jurisdiction" in Section 101.1 and elsewhere shall mean the City of Delta.

2. Sections 103, 104.4, 104.8, 106.5.2, 106.5.3, 108.1, 108.2, 108.3 108.4, 108.5, 108.6, 109, 621 and 623.2, exceptions 3 and 4 of 303.3, and paragraphs 8 and 10 of Section 501.8 are deleted.

3. A new paragraph 6 is added to Section 303.3 to read as follows:

"303.3(6): Prohibited Locations. Equipment shall not be located in a hazardous location unless listed and approved for the specific installation. Fuel-burning equipment, electric resistance heating devices or electrostatic air cleaners shall be not installed in a surgical procedure or medical treatment room. Fuel-burning equipment shall not be installed in a closet, bathroom or a room readily usable as a bedroom or in a room compartment or alcove opening directly into any of these.

"EXCEPTIONS: 1. Direct vent equipment and electric heat furnaces.

2. Access to furnaces located in an attic or underfloor crawl space may be through a closet.

3. A vented appliance located in an unconfined space in accordance with the combustion air requirements of Chapter 7.

4. A fireplace may be approved for installation in a bathroom or bedroom if equipped with an approved method of obtaining combustion air from outside.

5. A warm-air furnace in an enclosed space with combustion air obtained from outside the building in conformance with Chapter 7 and having a tightfitting gasketed door with a closer may have access through a bathroom or bedroom.

"Equipment burning liquefied petroleum gas (LPG) or liquid fuel shall not be located in a pit, an underfloor space, below grade or similar location where vapors or fuel might unsafely collect unless an approved method for the safe collection, removal and containment of the vapors or fuel is provided.

"In areas subject to flooding, equipment which would be damaged or create hazardous conditions if subjected to inundation shall not be installed at or below grade unless suitably protected by elevation or other approved means." (Ord. 7, §1, 1986; Ord. 17, §1(part), §2 & 3, 1990; Ord. 5, §3, 1994; Ord. 21, §3, 1999; Ord. 9, §3 & 4, 2004; Ord. 13, §2, 2004)

15.04.040 Appeals.

A. The decision of the City Manager or his designated official or inspector under this Chapter may be appealed to the Board of Appeals by filing a written appeal on forms provided by

the City with said official or inspector within fifteen (15) days of the date he renders his decision.

B. Such appeal should set in full the reasons for the appeal, and specify the relief requested.

C. The inspector shall review the appeal and forward it to the Board of Appeals attaching thereto his written recommendations and reasons for his decision.

D. The decision of the Board of Appeals shall be final.

E. The Board of Appeals shall have no authority to grant any variance.

F. The City Council shall appoint five members to the Board of Appeals for staggered terms. (Ord. 7 §1(part), 1986; Ord. 13, §2, 2004)

15.04.050 Violations and penalties.

A. It shall be unlawful to violate any provision of this Chapter, the state electrical code, any of the Codes adopted by reference herein, or any stop order or other order issued by the City pursuant to said Codes or this Chapter. Any person convicted of such a violation shall be punished by a fine of not more than \$1,000.00 or imprisonment for not more than one (1) year or by both fine and imprisonment; provided, however, no person under the age of eighteen (18) years shall be sentenced to any term of imprisonment in excess of ten (10) days, except for contempt of Court. Each day during which any violation is committed or permitted to continue shall be considered as a separate offense.

B. Continuing violation of the provisions of this Chapter or the Codes adopted herein by reference, the state electrical code, or of any order issued pursuant to this Chapter or the Codes adopted by this Chapter is hereby declared to be a nuisance and may be abated in accordance with law.

C. In addition to any other remedy the City may have, it may maintain an action in a Court of competent jurisdiction to enjoin any violation of any provision of this Chapter, the state electrical code, or of the Codes adopted herein by reference.

D. The City may refuse to issue any permits required by this Chapter, or by the Codes adopted herein by reference if the applicant is in violation of any

provisions of this Chapter, the state electrical code, any of the Codes adopted herein by reference, or any stop order or other order issued pursuant thereto . (Ord. 7, §1(part), 1986; Ord. 17 §1(part), 1990; Ord. 5, §4, 1994; Ord. 18, §2 & §3, 1997; Ord. 32, §4, 1999; Ord. 13, §4, 2004)

15.04.060 Fence construction and maintenance requirements.

A. All fences shall be constructed so that all exterior surfaces exposed to the weather are constructed of weather-resistant materials or adequately treated or painted for weather resistance. Any components in contact with the ground shall be of rot resistant materials or adequately treated to resist rot. Provided, however, this shall not be construed to apply to the Fort Uncompahgre fences.

B. Plywood, pressboard, waferboard, chipboard, cardboard, pallets and other similar materials shall not be used for fences.

C. No fence, free-standing wall, hedge or other plantings shall be located, constructed or maintained on corner lots in a place or at a height which unreasonably creates a traffic hazard by obstructing vision from vehicles on abutting streets. The City Manager may adopt regulations and guidelines as necessary for the interpretation and administration of this provision.

D. All fences shall be constructed and maintained so they do not create a safety hazard.

E. All fences shall be maintained in good repair. It shall be prima facie evidence that a fence is not being maintained in good repair if any of the following conditions exist:

1. Missing, broken or loose boards.
2. Chipped, faded or peeling paint or stain.
3. Warped or delaminated boards.
4. Chain link fencing which is not properly attached to supports.
5. Leaning fences, or fences which are inadequately braced to resist wind, or support the weight of persons climbing them. (Ord. 12, §1, 1994; Ord. 31, §7, 2000)

15.04.070 Housing maintenance requirements.

A. (1) Structures requiring plumbing shall be provided with a treated water supply directly or indirectly from the City of Delta system unless Tri-County Water Conservancy District service is allowed pursuant to the service area agreement

between the City and the Tri-County Water Conservancy District, and with City sewer service or an authorized and approved Individual Sewage Disposal System (ISDS), properly maintained and operated.

(2) No building permit or certificate of occupancy shall be granted for any such building unless proof of availability of such water supply and sewer or ISDS is provided.

(3) No new ISDS shall be authorized and an existing ISDS may not be used to serve new construction, or a factory-built structure recently set or to be set, unless the City determines that connection to the City sewer is technically unfeasible or will cost substantially more than a lawful approved ISDS.

(4) Provided, however, structures lawfully using an existing cistern or well as of September 1, 2001, may continue to do so so long as such system is maintained in accordance with applicable Federal, State, County and City regulations, is in good operating condition, and does not present a health hazard.

(5) All ISDS's must be in compliance with applicable State, County and City regulations.

B. It shall be unlawful to occupy any structure, other than the lawful occupancy of a travel home, as a residence without the required plumbing and water or sewer service in violation of subsection (A), or for more than three days after water, sewer or electric service has been terminated to the premises. (Ord. 32, §1, 2001; Ord. 20, §1, 2002)

15.04.080 Site development and maintenance requirements.

A. No building permit for new construction or additions to existing structures shall be issued until a site development plan has been approved pursuant to this section. The formality, scope and content of each site development plan shall depend upon the use and size of the building or structure for which the permit is sought. It shall generally address and meet any requirements, standards and specifications applicable to developments under Titles 16 and 17 of the Delta Municipal Code that are reasonably attributable to the size and allowed use of the building or structure proposed for construction. Provided, however, that the landscape provisions set forth in Section 15.04.080.B.1.d shall not apply to building permits sought for (a) single family residences, duplexes, farms, ranches and accessory buildings thereto; or (b) an addition to an existing building or structure which increases the footprint area by no more than fifty percent (50%), or has construction value of no more than twenty thousand dollars

(\$20,000.00); or (c) the erection of a building which is accessory to an existing building and which increases the aggregate footprint area by no more than fifty percent (50%), or has a construction value of no more than twenty thousand dollars (\$20,000.00).

B. The site development plan shall be submitted on forms provided by the City with a building permit application and comply with the following requirements:

1. Plans and specifications shall be submitted, drawn to a scale adequate to clearly show all required features and not less than 1" equals 40 feet, for the construction of the following improvements consistent with City construction standards, specifications and design standards.

a. Installation of new, or repair of damaged, curb, gutter and sidewalk along abutting streets, except in subdivisions where it is not required by current subdivision regulations.

b. Required off-street parking spaces, including landscaped areas, and maneuvering areas, adequate to avoid the necessity of backing onto the developed part of adjoining streets, and adequate to meet all applicable requirements. When six or more spaces are required, the required parking and maneuvering areas shall be paved.

c. Site drainage adequate to avoid damage or adverse effects to improvements, structures and property on and off the site.

d. Landscaping, including provisions for trees and shrubs, subject to the following minimum requirements:

i. At least 25% of the linear frontage of the site abutting public street rights-of-way to a minimum width of fifteen feet, unless the City approves an alternative plan as more effectively presenting a landscaped view from the abutting street rights-of-way; and

ii. Inclusive of the above frontage requirement, landscaping shall be required in at least 15% of that part of the site not covered by buildings for sites located in residential zoning districts; at least 8% of that part of the site not covered by buildings for sites located in commercial zoning districts; and at least 4% of that part of the site not covered by buildings for sites located in industrial zoning districts.

iii. In addition, each parking area which contains either twenty or more spaces, or more than one aisle, shall incorporate landscaped islands dispersed throughout the parking area with such islands to occupy a minimum of five

percent (5%) of the parking area and to be landscaped in accordance with City standards and specifications.

iv. Such landscaping shall consist of trees, shrubs, and ground covers, and may include up to a maximum of 20% coverage in inert materials such as decorative paving stones, lava rock, pea gravel, etc., except to the extent such area is lawfully covered by a building.

v. In addition, property within the defined highway corridor of Section 15.04.090 shall also meet the requirements therein.

e. Driveways, culverts and curb cuts.

f. All outdoor lighting fixtures shall be shielded so that the light source is not directly visible off the premises.

2. The current deed to the property or other evidence of title shall be submitted with the plan.

3. If the abutting street is not paved, a recordable covenant binding the property for assessments for the cost of paving and related improvements must be properly executed and submitted.

C. In those cases where the grade for curb, gutter and sidewalk cannot be established by the City or immediate construction is impractical, a recordable covenant binding the property to pay for such improvements or other security pursuant to Subsection 15.20.020(B) may be accepted by the City in lieu of immediate construction of the curb, gutter or sidewalk.

D. Any improvement, the construction of which has been secured pursuant to City Subdivisions Regulations, Planned Unit Development Regulations or by other contract, need not be provided as part of the site development plan.

E. Following review, revision and approval by the City, the plan and specifications as approved by the City shall be revised in final form, stamped with City's approval and filed with the City. Thereafter, a building permit may be issued.

F. No occupancy permit shall be issued until the required improvements are constructed and approved by the City in compliance with the approved plans or secured for completion within 6 months, and a recordable maintenance covenant running with the land on forms provided by the City is executed, approved by the City, and recorded.

G. All required improvements and landscaping shall be maintained in good repair and safe condition. Violation of this

provision is hereby declared to be a nuisance which may be abated by the City in any lawful manner.

H. 1. Variances by the Planning Commission may be granted from the requirements of Subsection (B) above if it determines following the review procedure of Section 17.04.290 of City Zoning Regulations that all the criteria of this Subsection H are met:

a. The variance is requested for an addition to an existing building or construction of a purely accessory structure.

b. The variance will not adversely affect the public health, safety or welfare.

c. The addition or structure will have a *de minimus* effect on traffic, parking and drainage.

d. The variance requested is the minimum variance that will afford relief.

e. The variance will not result in development incompatible with other property or buildings in the area and will not affect or impair the value, use or development of other property.

f. Strict compliance is technically infeasible or the cost of the required site improvements is substantially more than the cost of the addition or structure, and the addition or structure is insignificant with respect to the structures already on the premises.

2. Published or delivered notice of the hearing as specified in Subsection 17.04.290(D) is not required.

I. Following approval of a site development plan, requests for amendments may be filed with the City and shall be reviewed in accordance with the provisions of Paragraphs (B), (C), (D), (E), and (F) above.

J. The City Manager is authorized to issue supplemental regulations to implement, interpret and administer these provisions and to provide detailed standards and specifications, consistent herewith.

K. Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of these requirements, upon written application, the City Council may vary or modify the application of these requirements, so that the spirit of the requirements is observed, public safety and welfare secured, and substantial justice done. (Ord. 6, §1, 2004; Ord. 4, §1 & 2, 2005; Ord. 3, §13, 2008; Ord. 6, §1, 2008)

15.04.090 Supplemental site development standards for highway corridors.

A. Property, any part of which is located within four hundred feet (400') of a right-of-way line of Highways 50 and 92, and Crawford Avenue west of 1800 Road, shall, in addition to other applicable requirements, be subject to the supplemental site development standards described in this Section. Whichever City ordinance or regulation requires more stringent or restrictive requirement shall apply. It is provided, however, that this Section shall not apply to any application for a building permit for (a) an addition which increases the footprint area by no more than fifty percent (50%), or has construction value of no more than twenty thousand dollars (\$20,000.00); or (b) the erection of a building which is accessory to an existing building and which increases the aggregate footprint area by no more than fifty percent (50%), or has a construction value of no more than twenty thousand dollars (\$20,000.00).

1. Building facades which are substantially constructed of smooth-face concrete, smooth-face concrete block, or metal siding, or similar monolithic building materials shall be designed to include either a) two (2) foot eaves and a different colored pitched roof with a height between the top of the roof and the eave of at least equal to the distance from the eave to the ground, or a 8:12 pitch; or b) other surface materials on a minimum of 24% of area of the front, and on 20% on each side and rear. Such materials may include, but are not limited to, contrasting materials such as glass, brick, stucco, wood or stone. In either case, other architectural elements must also be included in the design which include but are not limited to architectural projections such as dormers, roof overhangs, protective canopies, and creatively shaped window openings. Metal skinned buildings are not allowed within the B-1 Zoning District.

2. Exterior mechanical equipment, including electrical transformers, shall either be incorporated in the overall form of the building or screened from view from any street by materials consistent with the landscaping, safety, the main building, and the National Electrical Code.

3. Refuse collection containers and areas shall be screened from view from any street or residential area by materials consistent with the landscaping and building.

4. a. Landscaping shall be installed and maintained to a minimum depth of 15 feet along 70% of the

frontages of highways, streets and roadways identified in the first sentence of this subsection A.

b. Landscaping shall be installed and maintained to a minimum depth of 15 feet along a minimum of 25% of the secondary street frontages, excluding driveways and sidewalks.

B. The regulations of this Section shall apply to the entire building, lot, parcel or contiguous lots or parcels which constitute a single site, when any part thereof is located within 400 feet of the right-of-way of the highway or street segments described in Subsection (A) above.

C. The City Manager is hereby authorized to adopt regulations as may be appropriate to implement, interpret and administer the provisions of this Section and to provide detailed Standards and Specifications, consistent herewith.

D. All required improvements and landscaping shall be maintained in good repair and safe condition. Violation of this provision is hereby declared to be a nuisance which may be abated by the City in any lawful manner.

E. Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of these requirements, upon written application, the City Council may vary or modify the application of these requirements, so that the spirit of the requirements is observed, public safety and welfare secured, and substantial justice done. (Ord. 6, §1, 2004; Ord. 4, §1 & 2, 2005; Ord. 6, §1, 2008)